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15 AND JOHN MUHAMMED BEY

16 **UNITED STATES DISTRICT COURT**

17 **NORTHERN DISTRICT OF CALIFORNIA – SAN FRANCISCO DIVISION**

18 ALI SALEEM BEY and JOHN MUHAMMAD
19 BEY,

20 Plaintiffs,

21 v.

22 CITY OF OAKLAND and DOES 1-100
23 Defendants.

Case No. 14-cv-01626-JSC

**JOINT STIPULATION AND
[PROPOSED] ORDER CONTINUING
TRIAL DATE AND CASE
MANAGEMENT DATES**

Judge: Honorable Jacqueline Scott Corley

Date Action Filed: April 19, 2014
Trial Date: November 26, 2018

1 Defendant City of Oakland (the “City”) and Plaintiffs Ali Saleem Bey and John Muhammed
 2 Bey (“Plaintiffs”) hereby respectfully submit this joint Stipulation and Order to continue the trial date
 3 and associated case management dates in this matter pursuant to Federal Rule of Civil Procedure
 4 16(b)(4). As explained further below, the parties submit there is good cause to continue the dates
 5 because the parties, despite their continuing cooperation, have been unable to complete discovery in
 6 this matter.

7 INTRODUCTION AND PROCEDURAL HISTORY

8 Although this case was filed in 2014, Plaintiffs initially appeared in *pro per*, and the pleadings
 9 were not finalized until mid-2016. Plaintiffs obtained current counsel in August 2016, and the initial
 10 case management conference was held that month. An unsuccessful settlement conference took place
 11 in September 2016 with Magistrate Judge Maria Elena James.

12 In February 2017, Plaintiffs served written discovery on Defendant, which included more than
 13 119 document requests. Although the City objects to some of the document requests, the City concedes
 14 that many of the requests seek relevant documents (including Internal Affairs files, Citizens’ Police
 15 Review Board files, criminal investigation files, transcripts, communications, notes, etc.) that date back
 16 (in some cases) as far as 2005, given the Court’s ruling that some of Plaintiff’s time-barred claims
 17 “may still serve as relevant evidence” to their timely Section 1983 and 1985 claims. (Dkt. 72, at 20.)

18 Many of the documents Plaintiffs seek constitute confidential personnel records under
 19 California law, or are otherwise confidential. Accordingly, the parties negotiated a stipulated
 20 Protective Order for highly confidential information, which the Court approved on April 26, 2017.

21 The City continues searching for and producing documents in response to Plaintiffs’ document
 22 requests on a rolling basis. The City’s production has been labor-intensive for several reasons,
 23 including, but not limited to: (1) the sheer volume of requests and responsive documents, which
 24 includes numerous documents related the approximately 150 Internal Affairs Division cases arising out
 25 of the Occupy Oakland events of 2011; (2) many of the documents were created by or pertain to
 26 individuals who are no longer employed by the Oakland Police Department or the City, making them
 27 more difficult to locate or, alternatively, to reasonably confirm that they no longer exist; and (3) many
 28 of the documents consist of confidential police personnel records or contain private information of third

1 parties (such as crime victims and complainants) and were not created electronically, requiring close
2 review and manual redaction. Still, City has produced over 5,800 pages of documents, plus a number
3 of electronic audio and video files. The City continues its efforts to gather, review, and produce
4 responsive documents. Additionally, the parties have conducted several depositions thus far and are
5 working to schedule additional depositions, including Plaintiffs’.

6 The parties have met and conferred on available trial dates, and accordingly request that the
7 Court continue the trial to the mutually-agreeable date of January 28, 2019.

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STIPULATION

Based on the foregoing, the parties hereby stipulate, subject to the Court's approval, to continue the trial and case management dates as follows:

	Proposed Date
Fact Discovery Cut-off	August 24, 2018
Deadline for Hearing Dispositive Motions	October 25, 2018
Expert Disclosures	October 11, 2018
Expert Discovery Cut-off	November 8, 2018
Pretrial Conference	January 10, 2019, at 2:00 p.m.
Trial	January 28, 2019, at 8:30 a.m.

Dated: June 4, 2018

BARBARA J. PARKER, City Attorney
 OTIS McGEE, JR., Chief Assistant City Attorney
 COLIN T. BOWEN, Supervising Trial Attorney
 SELIA M. WARREN, Deputy City Attorney
 JASON ALLEN, Deputy City Attorney

By: /s/ Jason M. Allen*
 JASON M. ALLEN
 Attorneys for Defendant
 CITY OF OAKLAND

***I hereby attest that I have obtained the concurrence in the filing of this document for all signatories indicated by a conformed signature (/S/).**

Dated: June 4, 2018

Law Offices of Bonner & Bonner

By: /s/ A. Cabral Bonner
 A. Cabral Bonner
 Attorneys for Plaintiffs
 ALI SALEEM BAY AND JOHN MUHAMMED BEY

ORDER

Based on the stipulation of the parties, the Court finds good case to continue the trial date and case management dates as follows:

	Proposed Date
Fact Discovery Cut-off	August 24, 2018
Deadline for Hearing Dispositive Motions	October 25, 2018
Expert Disclosures	October 11, 2018
Expert Discovery Cut-off	November 8, 2018
Pretrial Conference	January 10, 2019 at 2:00 p.m.
Trial	January 28, 2019 at 8:30 a.m.

The parties shall otherwise comply with the requirements of the Court's previous Pretrial Order dated October 28, 2016 (Doc. No. 93).

IT IS SO ORDERED.

HON. JACQUELINE SCOTT CORLEY
UNITED STATES MAGISTRATE JUDGE